



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/579,370

05/26/2000

David Friedman

BUFFALO 201

7613

10037 7590 04/04/2007  
MILDE & HOFFBERG, LLP  
10 BANK STREET  
SUITE 460  
WHITE PLAINS, NY 10606

EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

04/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

58

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/579,370	Applicant(s) FRIEDMAN ET AL.	
	Examiner Shick C. Hom	Art Unit 2616	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 6,8,9,11-14,16,18-31 and 33-35.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 3. NOTE: Introduction of new Fig. 2 as a replacement sheet is not proper because there is no Fig. 2 to replace; further the specification does not reference Fig. 2 and therefore is new matter. Incorporating of reference by reciting the URL links in replacement paragraph commencing on page 13 is improper, the entire reference to all links must be deleted not merely the "http://" prefix. In page 10 line 28 to page 11 line 13 of the remarks, applicant argued that the architecture of Shafiee et al. is different because Shafiee et al. provide two separate servers while applicant recite only one server is not persuasive because a server is merely a shared computer on the local area network; further Shafiee et al. in col. 5 lines 24-46 recite the reason one would use a different server, i.e. a call center server, is so that casual traffic can be isolated clearly reads on the server as in claim 6. In page 10 lines 14-19, applicant argued that Shafiee et al. do not disclose an application communicating with telephony hardware which calls an external program is not persuasive because Shafiee et al. in the abstract recite the application program interface API sensing an event generates the call request to the customer terminal clearly reads on the application program and the external program as claimed. In page 10 lines 20-26, applicant argued that Shafiee et al. do not disclose a predefined set of user preferences is not persuasive because Shafiee et al. in col. 10 line 52 to col. 11 line 3 recite the stored user information being updated and accessed by the administration system clearly anticipate the predefined set of user preferences. In page 13 lines 3-9, applicant argued that Shafiee et al. do not disclose any telephony hardware is not persuasive because Shafiee et al. in col. 1 line 44 to col. 2 line 6 recite that it is known to provide telephone service and internet to a customer which clearly anticipate the telephony hardware as claimed. .

*Seema S. Rao*  
SEEMA S. RAO 4/2/07  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600